



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending December 18, 1999

Technical Systems Associates, Inc. v. DOC—GSBCA Nos. 13277-COM and 14538-COM

GSBCA issued its decision on December 7, 1999, denying the appeals challenging the termination for default and claim for equitable adjustment. (Terry Lee).

Nu-Way v. DOC—B-284181-1

GAO dismissed as moot this protest of an acquisition to provide training services for ITA's SABIT program. The Contracting Office has agreed to answer protestor's questions and to extend the solicitation closing date. (Mark Langstein)

Digital Signature COMMITS

Ed Weber is NIST with review and revisions to the draft Project Agreement ("PA"). NIST expects the PA to be circulated internally for final approval shortly after 12/14/99, followed by publication on the Web.

NEXRAD TPMS Procurement

The purpose of this procurement is to acquire an uninterrupted power supply for NWS NEXRAD radars between the time the electric power fails and a backup diesel generator kicks in. 75 units have been delivered thus far and they are failing at an unacceptable rate due to a bearing that appears to have been poorly designed to bear all loads and stresses. We are in a potential claim situation where we would claim that the weak bearing constitutes a latent defect. Mark Langstein is meeting with the Program Office to obtain further details.

ViON Corp. v. DOC—GAO No. B-283804

GAO has informed the parties in this bid protest against a PTO award of a \$8M delivery order to EMC Corporation that a hearing is necessary. The hearing will be held next week to accommodate GAO's statutory obligation to issue a decision within 100 days of the protest. At issue is a technical question involving the amount of data storage procured. (Lisa J. Obayashi)

COMMITS

We now understand that NESDIS is considering multiple awards for the climatic database modernization acquisition, in which a COMMITS contractor may be included. OAM has suggested that we meet with

NESDIS to discuss the situation. Use of COMMITS is not definite. (Terry H. Lee).

Contractor Ethnicity Data

We have been asked by the Department's Office of Small and Disadvantaged Business Utilization whether it would be legal for the Department to require ethnicity data from the Department's contractors. (Amy Crotts and Jerry Walz)

Steel Loan and Oil and Gas Loan Guarantee Programs

Diane Canzano continues to provide advice on various and legal issues arising out both the Steel Loan Guarantee and the Oil and Gas Loan Guarantee Program including issues relating to the technical evaluation of vendors to provide financial advisory services for the Steel Loan Program, issues relating to both legal and program consultant contracts for both Programs, and issues relating to presentations to be made by vendors for financial advisory services in support of the Oil and Gas Program.

CLD "Time to Complete"—7.9 Days

Actions by Contract Law Division during Period from 12/5/1999 12/18/1999

Bureau	Received	Completed
CENSUS	2	2
ITA	0	1
NIST	4	4
NOAA	7	13
PTO	1	1
Totals	14	21

Contract Law Division—Client Workload
Period Ending 12/18/99

